

## **ORDINANCE 17-04**

AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 155, ARTICLE IX  
“SIGN REGULATIONS” RELATING TO SIGNS.

**WHEREAS**, the Town Council of Millville has the power to adopt ordinances for the protection and preservation of Town property, rights and privileges; for the preservation of peace and good order; for securing protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the Town;

**WHEREAS**, the Town Council of Millville has the power to enact zoning regulations pursuant to Title 22, Chapter 3 of the Delaware Code;

**WHEREAS**, the Town of Millville has adopted a Zoning Ordinance for the municipality, which has been codified in Chapter 155 of the Town Code; and

**WHEREAS**, Chapter 155, Article XIII provides that the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED**, by the Town Council for the Town of Millville, Sussex County, Delaware, a majority thereof concurring Council duly met, following a duly noticed public hearing held on November 8, 2016, that the following language hereby is adopted and incorporated into the Town of Millville Code and Zoning Ordinance at Chapter 155, Article IX “Sign Regulations” as follows:

**Additions will be in black bold and underlined.**

**~~Deletions will be black bold strike through.~~**

### ARTICLE IX SIGN REGULATIONS

#### § 155-40. Definitions.

For the purpose of this article, certain terms and words pertaining to signs are hereby defined:

**ANIMATED SIGN - A sign or portion thereof involving motion, flashing, blinking, rotating, or varying light intensity to convey an image.**

**BANDIT SIGN - An off-premises sign, which is generally has less than six (6) square feet of advertising area and made of vinyl, paper, cloth, fabric, polyboard, coroplas, corrugated plastic, poster board, plastic core, cardboard, wood, or plywood, with wood or wire framing, posts, or stakes, and which is:**

- (1) Posted on a utility pole, street sign, or other street appurtenance; or**
- (2) Placed within a public right of way, on public property, or on private property such that it is visible from a public right of way or public property.**

BANNER - A piece of fabric or similar material that is attached to a pole, enclosed in a frame, or mounted as a temporary sign.

FLASHING SIGN - An animated sign conveying the same or similar images in succession.

OFF-PREMISES SIGN - A sign advertising an activity, interest in real estate, or establishment other than those activities, interests, or establishments on the premises on which the sign is located.

PENNANT - Any relatively long, tapering flag.

ROOF SIGN - A sign projecting over the coping of a flat roof, or wholly or partially over the ridge of a gable, hip or gambrel roof, and supported by or attached to said roof.

STREAMER - A long, narrow flag, banner, tinsel, or roping, which is hung or strung from any structure to another structure or the ground.

TRAILER SIGN - A sign which is mounted on wheels and which may be moved from one location to another.

§ 155-43. Signs prohibited in all districts.

- A. Flashing signs, except those with the limited capacity of showing time and temperature indicators;
- B. Animated signs;
- C. Signs which produce noise or sounds or emit smoke, flame vapor, particles or odor;
- D. Pennants, banners, streamers and all other fluttering, spinning or similar type signs and advertising devices with the exception of a ~~standard three-foot-by-five-foot (3x5)~~ flag ~~with the word "open" displayed~~, no larger than three (3) feet by five (5) feet, mounted on a pole, attached to the front façade of the business or organization, and displayed only when the on-premises business or organization is open to the public. For each business or organization, the number ~~The numbers~~ of flags allotted ~~are is~~ one (1) ~~per pedestrian's view of traffic or hinder public safety.~~ Other exceptions are national flags or flags of political subdivisions or the United States or the State of Delaware, ~~and flags of bona fide civic, charitable and fraternal organizations;~~

- E. Signs with intermittent lights resembling or seeming to resemble the flashing lights associated with danger or such as are customarily used by police, fire or ambulance vehicles, or for navigational purposes;
- F. Signs located and so illuminated as to provide a background of colored lights blending with traffic signal lights to the extent of confusing a motorist when viewed from a normal approaching position of a vehicle at a distance up to three hundred (300) feet;
- G. Signs in any location which obstruct a motorist's view of traffic control signals;
- H. Signs attached to trees or utility poles;
- I. Signs attached to any vehicle, parked primarily for display purposes;
- J. ~~Permanent signs identifying activities and establishments not located on the premises;~~ Off-premises signs;
- K. Neon tubes, bent to form shapes, letters or symbols, unless placed inside premises;
- L. Bare bulbs of any size;
- M. Signs illuminated in any manner which may constitute a traffic hazard or be a nuisance; and
- N. Signs that provide blinking, moving, animation, revolving, chaser lights or moving spotlights;
- O. Electronic Variable Message Boards, other than those for municipal, police, fire, and ambulance buildings, and those with the limited capacity of showing time and temperature indicators;
- P. Bandit signs;
- Q. Roof signs; and
- R. Trailer signs.

§ 155-45. Sign permit requirements; responsibility for compliance; removal of signs; penalties.

F. The Code Enforcement Officer or his designee shall remove or cause to be removed, at the owner's expense, any ~~permanent~~ sign, other than a bandit sign, erected or maintained in conflict with these regulations, if the owner or tenant of either the site

or the sign fails to correct the violation within thirty (30) days after receiving written notice from the Code Enforcement Officer. Removal of a sign shall not affect any proceedings instituted prior to removal of such sign.

G. The Code Enforcement Officer or his designee shall remove or cause to be removed any ~~temporary bandit~~ sign erected in violation of the provisions of this chapter, and issue a notice to the owner for the violation in the amount of \$25.00 per sign. Whenever possible, within twenty-four (24) hours of the removal of the sign, the Code Enforcement Officer or his designee shall notify the owner of the sign in writing that the sign has been removed, and a fine has been issued. The owner of the sign shall have ten (10) days to pay the fine and retrieve the sign. If, after ten (10) days, the owner of the sign does not retrieve the sign from the Town, the Code Enforcement Officer may dispose of the sign. If, after ten (10) days, the owner has not paid the fine, then the Code Enforcement Officer may enforce this article pursuant to Article XII of this chapter. ~~If an owner has signs removed more than twice in a year, the Town may retain and dispose of the sign without notice to the owner.~~

§ 155-47. Nonconforming sign regulations.

~~E. The Code Enforcement Officer or his designee shall remove or cause to be removed, at the owner's expense, any permanent sign erected or maintained in conflict with these regulations, if the owner or tenant of either the site or the sign fails to correct the violation within thirty (30) days after receiving written notice from the Code Enforcement Officer. Removal of a sign shall not affect any proceedings instituted prior to removal of such sign.~~

~~F. The Code Enforcement Officer or his designee shall remove or cause to be removed any temporary sign erected in violation of the provisions of this chapter. Whenever possible, within twenty-four (24) hours of the removal of the sign, the Code Enforcement Officer or his designee shall notify the owner of the sign that the sign has been removed. If, after ten (10) days, the owner of the sign does not retrieve the sign from the Town, the Code Enforcement Officer may dispose of the sign. If an owner has signs removed more than twice in a year, the Town may retain and dispose of the sign without notice to the owner.~~

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON ~~THIRTEEN~~ THIRTEEN DAY OF NOVEMBER, 2016.

SEAL:



Robert W. Gordon  
ROBERT GORDON, MAYOR

ATTESTED:

Matthew Thomas Amerling  
VALERIE FADEN, SECRETARY  
(Steve Maneri, Deputy Mayor)

## **SYNOPSIS OF ORDINANCE 17-04**

This Ordinance will amend the Town Code and Zoning Ordinance at Chapter 155, Article IX, entitled "Sign Regulations," relating to signs.

